

Pergolizzi et al.
Serial No.: 08/479/995
Filing Date: June 7, 1995
Page 3 (Supplemental Amendment to Applicants' April 12, 1996 Second Preliminary
Amendment (Following Applicants' March 5, 1996 Preliminary Amendment)
- April 15, 1996)

REMARKS

Claims 283-437 were added by Applicants' April 12, 1996 Second Preliminary Amendment which followed their March 5, 1996 Preliminary Amendment. In this paper, correction of certain informalities in claims 300, 312, 330 and 412 has been made.

New claim 438 has also been added above. Claim 438 is directed to "[t]he composition according to claims 291, 292, 293 or 294, wherein said one or more chemically modified or artificially altered polynucleotides comprise one or more nucleic acid analogs." Support for claim 438 is found variously in the specification, page 15, lines 13-16 (especially line 15) (for "analogs); and page 21, lines 7-10 + (for support that the signal generating portion can be a polynucleotide which has been chemically modified or artificially altered). It is respectfully submitted that the subject matter of newly added claim 438 does not constitute the insertion of new matter, but rather that which Applicants are duly entitled to claim commensurate with their broad and complete disclosure.

Finally, claim 438 comports with the discussions conducted and concluded at the April 3, 1996 interview. In all respects, the instantly claimed invention continues to be framed in terms of the multiple signalling entities which were discussed as a distinguishing and patentable feature over the Dunn et al. and Ward et al. documents cited of record.

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SUMMARY AND CONCLUSIONS

Claims 283-438 are presented above for further examination in this application. Claims 300, 312, 330 and 412 have been amended to correct minor informalities. New claim 438 has been added. No other claims have been amended, added or cancelled.

The cost for presenting new claim 438 is \$88.00 based upon the four multiple dependencies recited in the claim [4X 22 = \$88]. The Patent and Trademark Office is authorized to charge the amount of \$88.00 to Deposit Account No. 05-1135. If any other fee is due in connection with the claims or this Supplemental Amendment, the cost of such other fee may also be charged to Deposit Account No. 05-1135.

Favorable action on this application and the new claims is again earnestly sought.

If it would be helpful to the prosecution of the application, the undersigned may be contacted by telephone during the daytime business hours at (212) 856-0876.

Respectfully submitted



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